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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,081	11/08/2000	Hiroshi Tanaka	0879-0286P	9588
2292	7590	08/10/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/708,081

Applicant(s)

TANAKA ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/20/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see the amendment, filed 4/20/06, with respect to the rejection(s) of claim(s) 1-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 6,510,325, and US 5,737,332.

3. Applicant's arguments filed 4/20/06 have been fully considered but they are not persuasive, in regard to the admitted prior art. The applicants submit that they have never admitted that it is well known in the art to configure and conductive component of an electronic communication device as an antenna. The Examiner respectfully disagrees.

Re 1) To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also Chevenard, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will

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not consider this contention.”). A general allegation that the claims define a patentable invention without any reference to the examiner’s assertion of official notice would be inadequate. If applicant does not traverse the examiner’s assertion of official notice or applicant’s traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner’s assertion of official notice or that the traverse was inadequate.

The Examiner took Official Notice in claim 2 in the office action filed on 3/11/04. The applicant did not traverse or make mention of the Official Notice in the reply to the office action filed on 7/9/04. The Examiner took Official Notice in claims 2-12 in the office action filed on 2/10/05. The applicant did not traverse or make mention of the Official Notice in the reply to the office action filed on 6/10/05. The Examiner states that the official notice statement is taken to be prior art in the Office action filed on 8/4/05. Therefore, the applicant’s failure to traverse the official notice statement is an admission that the well-known in the art statement is prior art.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332.**

In regard to claim 1, Mack II et al., US 6,510,325, discloses a camera comprising:  
a communication device (see figure 1a), accommodated inside the camera housing which allows radio communication with another unit (see column 2, lines 52-57); and  
a non-communicating purpose component attached to the camera housing (see figure 5, element 26: strap).

The Mack reference does not disclose said non-communicating purpose component being a conductive component insulated from the camera housing but not shielded electromagnetically, the non-communicating purpose component also serving as a radio antenna, operatively connected with said communication device and outputting and/or receiving radio waves to/from said another unit.

Hanaoka et al., US 5,757,332, discloses a communication device with a strap antenna (3) that serves as both a strap and an antenna wherein the conductive material for the antenna is insulated from the rest of the device in the strap (see figures 1-8 and abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, to have the non-communicating purpose component being a conductive component insulated from the camera housing but not shielded electromagnetically, the non-communicating purpose component also serving as a radio antenna, operatively connected with said communication device and outputting and/or receiving radio waves to/from said another unit, in order to prevent unwanted

interference from the radio frequency transmissions, while making the device more compact with fewer parts.

In regard to claims 2, 3, and 5-12, Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, discloses the limitations of claim 1. The Mack and Hanaoka references do not disclose that the non-communicating component includes any one of a hot shoe to which an accessory is set, a reflector of a flash, a strap holding member, a ring member surrounding a lens, a camera operating button, a camera operating dial, a camera operating lever, a lens tube for supporting a lens therein, a cover of a battery, and a cover of a recording-medium storing section.

It is admitted prior art that it is well known in the art to configure any conductive component of an electronic communication device as an antenna in order to reduce the number of parts and miniaturize the device. The previous statement was taken as admitted prior art in a previous office action, as explained above.

It would have been obvious to a person skilled in the art at the time of invention to be motivated to modify Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, to have the conductive component includes any one of hot shoe to which an accessory is set, a reflector of a flash, a strap, a strap holding member, a ring member surrounding a lens, a camera operating button, a camera operating dial, a camera operating lever, a lens tube for supporting a lens therein, a cover of a battery, and a cover of a recording-medium storing section, wherein said conductive component serving a non-communication purpose for said camera, such that said conductive component is not dedicated solely to communication and instead serves as both an element for a non-

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communication purpose of said camera and is also used as the radio antenna, in order to reduce the number of parts and miniaturize the device.

In regard to claim 4, Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, discloses the limitations of claim 1. The Hanaoka reference discloses that the non-communicating component is a strap (see figure 5, element 26).

In regard to claim 13, Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, discloses the camera according to claim 1.

It is admitted prior art that it is well known in the art for a communication device to include a high frequency module connected to an antenna by a high frequency cable, in order to transmit data at the correct frequency so that the desired device may receive it is taken as prior art. The previous statement was taken as admitted prior art in the previous office action.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Mack II et al., US 6,510,325, in view of Hanaoka, US 5,757,332, to have a communication device to include a high frequency module connected to an antenna by a high frequency cable, in order to transmit data at the correct frequency so that the desired device may receive it.

**6. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi, US 6,710,807, in view of Hanaoka et al., US 5,757,332.**

In regard to claims 14, Yamagishi, US 6,710,807, discloses a camera comprising:

at least one member, a lens tube for supporting the lens therein (see figure 1, element 300);

a communication device (see figure 1, element 110) which allows radio communication with other unit (see column 8, lines 52-55);

an antenna (see figure 1, element 112) connected to the communication device for outputting and/or receiving radio waves to/from said another unit (see figure 8, lines 56-60).

The Yamagishi reference does not disclose that the at least one member is connected to said communication device as a radio antenna for outputting and/or receiving radio waves to/from another unit, the at least one member is formed by a conductive component insulated from a camera housing, but not electromagnetically shielded.

Hanaoka et al., US 5,757,332, discloses a communication device with a component or member (strap antenna 3) that serves as both a strap and an antenna wherein the conductive material for the antenna is insulated from the rest of the device in the strap (see figures 1-8 and abstract). It is admitted prior art that it is well known in the art to configure any conductive component of an electronic communication device as an antenna in order to reduce the number of parts and miniaturize the device. The previous statement was taken as admitted prior art in a previous office action, as explained above.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Yamagishi, US 6,710,807, in view of Hanaoka, US 5,757,332, to have the at least one member, the lens tube, connected to said communication device as a radio antenna for outputting and/or receiving radio waves to/from another unit, the at least one member is formed by a conductive component



insulated from a camera housing, but not electromagnetically shielded, in order to prevent unwanted interference from the radio frequency transmissions.

In regard to claim 15, Yamagishi, US 6,710,807, in view of Hanaoka, US 5,757,332, discloses the camera according to claim 14. The Yamagishi reference discloses the at least one member, lens tube (300), is provided at a portion of said camera where a user of said camera does not unconsciously touch or unconsciously cover said radio antenna during operation of the camera (see figure 1, element 100).

In regard to claim 16-20, Yamagishi, US 6,710,807, in view of Hanaoka, US 5,757,332, discloses the camera according to claim 14. The Mack and Hanaoka references do not disclose that the conductive component is a hot shoe to which an accessory is set, a reflector of a flash, a strap setting member, lens tube, or a ring member.

It is admitted prior art that it is well known in the art to configure any conductive component of an electronic communication device as an antenna in order to reduce the number of parts and miniaturize the device. The previous statement was taken as admitted prior art in a previous office action as explained above.

It would have been obvious to a person skilled in the art at the time of invention to be motivated to modify Yamagishi, US 6,710,807, in view of Hanaoka, US 5,757,332, to have the conductive be a hot shoe, a reflector, a strap holding member, lens tube, or a ring member, wherein said conductive component serving a non-communication purpose for said camera, such that said conductive component is not dedicated solely to communication and instead serves as both an element for a non-communication purpose

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of said camera and is also used as the radio antenna, in order to reduce the number of parts and miniaturize the device.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**